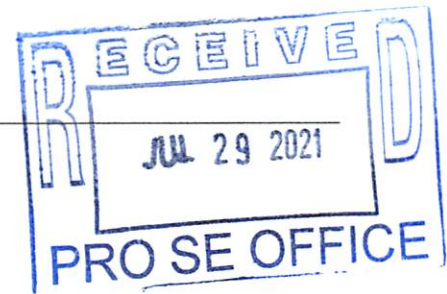


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MARIO H. CAPOGROSSO,

Plaintiff



-against-

**PLAINTIFF'S
SUPPLEMENTAL
OPPOSITION TO
STATE DEFENDANTS'
MOTION FOR
SUMMARY JUDGMENT**

Case No. CV-18-2710

ALAN GELBSTEIN, et. al.,

I Mario H. Capogrosso, affirm under penalty of perjury that:

1. I, Mario H. Capogrosso, and attorney duly license in the states of New York and Connecticut, am the plaintiff in the above entitled action and submit this supplemental affirmation in opposition to the motion dated May 17, 2021 State defendants' motion for summary judgment.
2. I have personal knowledge of the facts which bear upon this motion because I have personal knowledge or have witnessed all such facts.
3. Pursuant to Federal Rule of Civil Procedure 56, Local Civil Rule 56.1 and 56.2, I provide a paragraph by paragraph detailed opposition and response to State Defendants Local Civil Rule 56.1 Statement as follows.
4. The motion should be denied because:

1. I attach Exhibit Z, defendant Gelbstein's response to my interrogatories.
2. I attach Exhibit AA defendant Traschen's Calvo's response to my interrogatories.
3. I attach Exhibit BB defendant Calvo's response to my interrogatories.
4. I attach Exhibit CC defendant Schroeder's response to my interrogatories.
5. I attach Exhibit DD my response to State defendants' interrogatories.

The motion should be denied because in response and opposition to paragraph 4.

Defendant Gelbstein is no judge – not in my eyes. Judges are men of honor and esteem.

Defendant Gelbstein is a lying lawyer ac corrupt judge and a racist.

Defendant Gelbstein states I call him a “beanie wearing kike” and then states he did not document when it occurred it because he did not want to get me removed from the TVB. He gives no reasons for me stating it and never documents it and only writes about it after my incident with Brody in December 2011. A lying lawyer, purporting to be a man of faith by wearing a yamaka at his deposition. And I know the difference between a yamaka and a beanie defendant Gelbstein I have been to several Jewish weddings in my lifetime, and I just attended my first Jewish bar mitzvah with one of the women I am dating. I have to be called a Jew hatter by Brodie and be lied about by Gelbstein. Somebody do the math I was an engineer in a former lifetime. I met ten people a day at this TVB five days a week that is 50 people a day 2500 people a year and 25, 000 people over a ten-year career. Not one states I made any type of anti semetic or racist remark. A lying lawyer acting as a judge, its deplorable.

He’s corrupt. The first statement out of his mouth is how do I get a piece of the action. He has lunch with Jewish ticket brokers on a weekly basis and he does not know what they do for a living, but they are friends of his wife. The worst deplorable atrocity, he is entering guilty pleas before alj Bohmstein on a sidebar not while he is on the bench. He is acting as a ticket broker by his own admission. I have practiced law for several yeas. I never heard of an individual be being able to call a judge’s chamber other than to seek an

adjournment or to question whether a decision has been rendered an order. He was acting as a ticket broker between two individual by his very own admission when he asks other attorneys to cover cases for him.

He's a racist. I complain to him of the heft of \$80 on a \$150 fee by defendant Smart. An investigation is made and Gelbstein tells me that Smart admits to taking the money but that he gave it to me. Another lie. Then the harassment by Smart begins and when I complain, he laughs and giggles and tells me a spade is a spade. He s no judge in my eyes. And with all this being said defendant Schroeder rewards him with a pension and pass.

12. The motion should be denied because in response and opposition to paragraph 12.

This woman, Agnes Paez, was soliciting motorists in the parking lot of the Brooklyn TVB albeit under the watchful eye of Diantha Fuller the attorney who she worked for. It was embarrassing. Fuller did not seem to mind.

The motion should be denied because in response and opposition to paragraph 13

I further affirm the following with respect to this group of clerks who signed a petition against me.

I affirm to the following

- a) Defendant Smart routinely every Christmas handed out Christmas cards. I am sure he was looking for some type of gratuity from the lawyers.

- b) Defendant Sadiq Tahir indicated to me at one point in time that he pays Lucy, one of the clerks, and I can only assume that it is the same Lucy who signs her name to this petition attached as Exhibit EE. I felt it was inappropriate.
- c) Jeff Meyers asked me at one point in time what are you giving the clerks for Christmas, Meyers states I am giving them all two hundred and Roy more. I can only assume this is the Roy that bears his name on Exhibit EE.
- d) Terry Kalker use to give parties for the clerical staff and judges during the holidays. I was never invited.
- e) Jeffrey Ziff, one of the lead attorneys at Brooklyn TVB, used to tell me why don't you buy breakfast and lunch for the clerks. I refused.
- f) I have relayed what I saw about Tanya Rabinovich in detail. .

This woman was calling herself a lawyer repeatedly in defendant Gelbstein's courtroom, She held an office in her own name right outside the Brooklyn TVB on West 8th Street, Brooklyn NY. She came to the clerical counter on a daily basis requesting or having 10, 15, 20 summonses in her hand. She would post bonds and the clerks would giver dates. She was playing the game, taking a ticket pushing it out, and then entering a guilty plea. Easily done if you have the motorist's date of birth and driver's license ID. In 18 months the points do not show up on your license. I never saw an e exchange of money but I'm sure these clerks were not doing business for free. I reported these action to the District Attorney at which point these clerks turned on me and form the basis for many of the complaints written against me.

Further and with respect to my adversary Thompson's letter of complaint, dated

May 21, 2021, I apologize if offended his sensibilities I do but any speech that was used is protected speech by our Supreme Court, but I do apologize. But I reaffirm that I gave this attorney in my complaint how I chose to be contacted by phone text or direct mail. I indicated to him at one point by phone message that I was not receiving his emails attachments in full at which point I needed a hard copy, Federal Rule 5 allow such an allowance. Attorney Thompson refused to acknowledge. We were ordered to cooperate he did not call or text a reply. He plays cute. His office plays cute When I sent my letter of compalitm dated March 20, 2015, I called their office and was told it was lost in their mail room. After three weeks of continuous .calling it was miraculously found. I don't like cute.

I do not apologize for being an aggressive lawyer honest lawyer. I don not. I indicated to this Court what I saw and heard at the Brooklyn TVB in my ten years of practice at this tribunal, April 2005 to May 2015. If it wasn't for me taking the stand I have, defendant Gelbstein would still be entering guilty pleas on a sidebar in the GE and entertaining ticket brokers on a weekly basis, and having attorneys cover cases for individual calling his office, albeit under the watchful eye of the Attorney General's office, senior alj Bushra Vahdat, and lead counsel Ida Traschen.

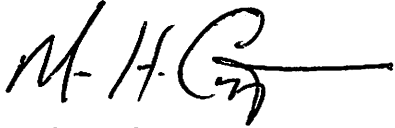
I have done my duty and I am not ashamed of it .The proof is evident not one grievance was ever filed before the Grievance Committee against my office, other than one concerning a fee dispute, which I won. I have done my duty to this Court, to the motorists of the State of New York who I faithfully represented for ten years of my legal career, and to the oaths I have take to the New York and Connecticut Bar. I have done my duty.

I faithfully await your decision.

I declare under penalty of perjury that the foregoing is true and correct.

June 29, 2021

Respectfully truthfully submitted

A handwritten signature in black ink, appearing to read 'M. H. Capogrosso', followed by a horizontal line.

Mario H. Capogrosso
21 Sheldrake Place
New Rochelle, New York 10804
(914) 806-3692